

1 THE COURT: Counsel, one of the jurors advised the
2 court security officer that the juror at one time had worked
3 for Dunn & Bradstreet, and I think the only reference was
4 something in one of the exhibits about something being
5 developed by somebody at Dunn & Bradstreet. I don't know. Was
6 it Lawson or ePlus or what?

7 MR. ROBERTSON: Your Honor, it's the UNSPSC codes.

8 THE COURT: The codes. It doesn't make any
9 difference that I see, do you?

10 MR. ROBERTSON: No, sir.

11 MR. McDONALD: No.

12 THE COURT: Whoever that was, don't worry about it.
13 Thank you for telling us, though. All right.

14 MR. ROBERTSON: Good afternoon, Your Honor.

15 BY MR. ROBERTSON: (resuming)

16 Q Good afternoon, Dr. Weaver.

17 A Afternoon.

18 Q Dr. Weaver, we've been talking about a number of these
19 user guides for these modules or software programs that can be
20 configured in various ways to form infringing systems; correct?

21 A We have.

22 Q I didn't ask this fundamental question. What is the
23 purpose of these user guides?

24 A It's to instruct users on how to operate the Lawson
25 system.

1 Q Have you seen testimony, documentation concerning whether
2 or not Lawson intends these things to be relied upon by the
3 users?

4 A Absolutely. Some of these documents are publicly
5 available on the web.

6 Q So you've seen any testimony from Lawson where it says
7 that they intend these guides to be accurate and provide
8 information that would be utilized by their users?

9 A Yes, I have.

10 Q The next exhibit I'd like you to look at is another user
11 guide for Lawson requisition self service, and that is PX-98,
12 and it is in binder one.

13 As part of your preparation to perform an analysis in
14 order to render opinions on infringement, did you consider
15 PX-98?

16 A I did.

17 Q What is it, sir?

18 A The Lawson requisition self service users guide that's
19 explaining how RSS works.

20 Q And when was it published?

21 A May of 2009.

22 Q And requisition self service, this application, that's one
23 of the applications you referenced when you had your diagram of
24 your building blocks for the various infringing systems;
25 correct?

1 A Right. RSS was sitting on top of the procurement system.

2 Q And the procurement system, including the inventory
3 control module, the PO module, and the requisitions module, are
4 all required first before you have this requisition self
5 service application; correct?

6 A That's right.

7 Q All right, can we turn to page seven of Exhibit 98? That
8 is the barcode page that ends with a Bates label 480, and this
9 is chapter one, Lawson requisition self service overview. What
10 is of interest here to the jury?

11 A That first paragraph.

12 Q What does it indicate?

13 A The Lawson requisition self service application lets you
14 create requests with demand on stock and demand on vendors.
15 You can process, view, and modify requisitions.

16 Q So does this application then have the same functionality
17 as the Lawson requisitions module?

18 A Yes, it does.

19 Q And I think -- is it an overlay on top of that module?

20 A Exactly. It's an attempt to provide a user-friendly
21 interface more so than what was provided in the requisitions
22 module itself.

23 Q Why would you want to provide that user-friendly
24 interface?

25 A That way you can have more people use it with less

1 training.

2 Q Can you turn to the page that is barcoded 18 which ends
3 with a Bates label 491, and there is a heading there called
4 prerequisite applications setup. Why is this significant to
5 your opinions?

6 A As it says, before you can use the Lawson requisitions
7 self service application, you must set up other Lawson
8 applications. The prerequisite applications affect the way
9 processing occurs in the Lawson requisitions self-service
10 application. So as I showed in my demonstrative, this sits on
11 top of our modules.

12 Q I want to turn to the next page and that first bullet
13 point.

14 A Before you can create requisitions, you must set up the
15 requisitions application including requester's requesting
16 locations and approval codes if used.

17 Q Why don't we turn to page 22 of the document, ends with a
18 Bates label 495. There's a heading called setting up the
19 purchase order application?

20 A At the top.

21 Q What did you consider on this page, if anything, when you
22 were doing your analysis?

23 A The very first sentence. Before you can use the
24 application, this is the purchase order application --

25 THE COURT: That doesn't say that. It says "before

1 you use," not "before you can use."

2 THE WITNESS: Thank you, Your Honor. Before you use
3 the application, you must define purchase order vendors and
4 locations.

5 Q What, if any, significance did that have to your opinions?

6 A That the purchase order and requisition self service have
7 to work together, that PO has to be present before RSS can
8 work.

9 Q Let me also take you back to page 21 of the document which
10 ends 494. That is entitled setting up the inventory control
11 application?

12 A Right.

13 Q What, if any, significance on this page for your opinions,
14 Doctor, would you like to point out to the jury?

15 A The first sentence. Before you set up the requisitions
16 application, you must set up the inventory control application.

17 Q Thank you. Is that consistent with your understanding in
18 the diagram that you put together to illustrate?

19 A Yes, it is.

20 Q Can we go to page 27 which ends with Bates label 500?
21 This page is entitled defining categories optional; do you see
22 that?

23 A I do.

24 Q They are describing or discussing the UNSPSC. Do you see
25 that?

1 A Yes.

2 Q What, if any, significance does that have with respect to
3 the requisition self server module?

4 A So these first four paragraphs explain the purpose, and
5 then down below are instructions on how to do this. The
6 categories task is designed to use UNSPSC, United Nations
7 Standards Products and Services Codes. Categories let you
8 search for items by category.

9 After you import UNSPSC codes, you can assign them to
10 items using item master. IC 11.1 is one of these programs.
11 The codes have four levels: Segment, family, class, and
12 commodity. These levels create an item hierarchy and let you
13 search each level for items in the item master file. These
14 codes are attached to items on IC 11. That's the item master.

15 After you define categories, you can click on a category
16 top level to open the segment tree to the product, family,
17 class, commodity, branches, and items. You select items at any
18 of the levels.

19 Q Okay. Is this the same kind of UNSPSC classification
20 codes that can be used to do the converting as defined by the
21 Court that we saw before in, I believe it was the inventory
22 control module?

23 A Yes, they are.

24 Q So then this is available functionality as part of the
25 requisitions self-service application as well?

1 A Right. This is part of RSS.

2 Q Let me direct you, if I could, Dr. Weaver, to Plaintiff's
3 Exhibit Number 109 which is in volume two. Have you seen this
4 document before?

5 A Yes, I have.

6 Q What is it?

7 A This document is entitled S3 EDI for supply chain
8 management. This was reviewed during the depositions of the
9 Lawson personnel.

10 Q Let me go to page Bates labeled five of this document that
11 ends -- excuse me, barcode five that ends with the Bates label
12 618. It's entitled Lawson S3 EDI for supply chain management.
13 Do you know what the S3 product is?

14 A Sure. It's the Lawson procurement suite.

15 Q Can you define that with respect to the modules that
16 you've identified in your diagram?

17 A Yes; requisitions, purchase order, and inventory control.

18 Q What significance is in this particular page of
19 Plaintiff's Exhibit 109?

20 A The first paragraph explaining what this does. It links,
21 or rather it says links your enterprise to its trading partners
22 to electronically send transactions such as purchase orders,
23 price/catalogs, and invoices electronically.

24 Q So using this application, can you receive electronically
25 transmitted catalogs from suppliers?

1 A Yes, you can.

2 Q Now that we've gone through some of the various -- and
3 overviewed some of the various different Lawson Software
4 modules that can be used to implement these electronic
5 procurement systems, do you have any demonstrations that you'd
6 like to do to show the Lawson system in operation?

7 A First demonstration would show the category search
8 feature.

9 Q And you have this, these demonstrations, as I understand,
10 both in captured screen shots -- is that right -- captured
11 software and also in hard copies?

12 A That's right.

13 MR. ROBERTSON: Your Honor, I'm going to be offering
14 both those for ease of review at the appropriate time.

15 Q How were you able to capture a demonstration of the system
16 using the Lawson Software?

17 A So Lawson provided a demonstration system that included
18 these modules that we've been talking about, and it runs on a
19 laptop. So we used -- we practiced to get the demo correct in
20 the sense that it showed what I wanted it to show, and then we
21 used software that was present on the machine that we were
22 given that did a realtime recording of whatever was on the
23 screen. So it's a realtime movie capture.

24 Q Who provided that software?

25 A That was provided by Lawson on the machine we got. So as

1 we did these demonstrations, we used that Lawson-provided
2 software to create a realtime movie which we saved and which
3 now we're going to play back.

4 Q Did that laptop come with item data?

5 A Well, it came with some item data which turns out to be an
6 issue. The database that we were provided from Lawson was
7 actually pretty sparse, so, yes, it had some items in there,
8 but it wasn't fleshed out like a production system would be.

9 Q In order to demonstrate some of the capabilities and
10 functionality of, say, comparison shopping or using the UNSPSC
11 codes to identify goods that are similar, identical, or
12 generally equivalent, do you need data, item data in the
13 database to demonstrate that?

14 A Absolutely.

15 Q And if you don't have, for example, a sufficient number of
16 black pens to compare, or if you have only have one black pen
17 and you're searching for black pens, can you demonstrate some
18 of the functionality of the system if that item data is not
19 there?

20 A That's right. Without equivalent items, there are no
21 equivalent items to be found.

22 Q So were you aware that a request was made to Lawson to
23 provide additional data on this demonstration laptop that they
24 gave us so that we could demonstrate the functionality of the
25 system?

1 A Yes, I'm aware of that.

2 Q And what was your understanding as to what the outcome of
3 that was when the requests were made?

4 A Well, I don't know the details. What I know is that
5 eventually a Lawson consultant was hired to help load some
6 additional data. Even so, three of the demonstrations that I'm
7 going to give were on the system as provided by Lawson. Only
8 one needed additional data loaded.

9 Q And a Lawson employee or personnel worked with ePlus
10 personnel to help them load additional data -- excuse me.
11 Worked with ePlus's counsel to load additional data on this
12 laptop for that one presentation?

13 A That's my understanding.

14 Q Now, based on the documents you've reviewed and based on
15 testimony reviewed, do these Lawson accused procurement systems
16 typically come with lots of item data?

17 A Well, when the database is loaded, the witnesses said that
18 there are typically hundreds of catalogs and thousands,
19 sometimes tens of thousands of items.

20 Q So with that kind of robust data in the database, it's
21 easier to show the full functionality of the system; is that
22 fair to say?

23 A That's fair to say. However, we're going to do it.

24 Q All right. Then as I understand it, three of the four
25 demonstrations were just as the laptop was provided to counsel

1 for ePlus?

2 A Yeah. We could say out of the box, the box being the
3 laptop.

4 Q One being with the additional data that Lawson assisted
5 ePlus's counsel in loading; is that right?

6 A That's correct.

7 Q The first demonstration you have, what do you want to
8 illustrate?

9 A I want to illustrate the category search in which we can
10 find generally equivalent items and then we can find other
11 items and build a requisition, and then we can build one or
12 more purchase orders from that requisition.

13 Q Okay. And did you direct the preparation of this
14 demonstration?

15 A Yes, I did.

16 Q All right. If we can, before we do that, just so we can
17 orient the jury as to what they're going to see, can we see
18 claim three and claim 28 side by side on the screen?

19 Now, both these claims, claim three being the system claim
20 and claim 28 being a method claim, has this element concerning
21 converting data relating to a selected matching item and
22 associated source to data relating to an item in a different
23 source; do you see that?

24 A Yes. That's the sixth element.

25 Q The Judge has construed both these claim terms; correct?

1 A Yes.

2 Q And I'm not going to go through it again because we read
3 them at one point, but the jury has them in their glossary.
4 And, of course, all the other elements need to be there as
5 well. Are we going to be seeing, as we walk through this
6 demonstration, the existence of these other elements that you
7 described?

8 A Yes.

9 Q Why don't you go ahead.

10 A All right. So Mike is going to play this movie, and
11 you'll see there are some waits involved in here, but that's
12 just because it's recording exactly what was seen.

13 Q Stop here for a second and let me ask you a question here.
14 There's a box in the lower right-hand corner. Is that part of
15 the Lawson system or not part of the Lawson system?

16 A That was part of the system provided, and it's part of the
17 realtime capturing software, so you can -- what's showing --
18 can you see this? So what you are seeing right now is a clock
19 that says we're 12.4 seconds into the movie, and then there's a
20 button that if you were on the real laptop, you could click it
21 and it would toggle from pause to play to pause to play. We've
22 chosen just to let it play.

23 Q If we wanted to --

24 MR. McDONALD: Your Honor, could I get a
25 clarification on which exhibit, and is there a paper version of

1 this one so we know what you are using?

2 MR. ROBERTSON: It's going to be Plaintiff's
3 Exhibit 376 is the video, and Plaintiff's Exhibit 374 would be
4 the hard copy paper capture of the screen shots.

5 Q So we're clear, this is like the video playback? We can
6 do the stop, forward, reverse by using these tools if we need
7 to go back at any time?

8 A Well, these tools are for the original capture. Mike and
9 I are going to do it manually. I'm going to say stop and
10 continue and probably say go back.

11 Q We may have to go back because it moves quickly sometimes?

12 A Sometimes it's too quick, and sometimes it's too slow.
13 Right now we're going to start with a go back, so go back to
14 the beginning.

15 All right, so as the laptop screen exists, first I'm going
16 to bring up the browser. I'm going to use Internet Explorer,
17 so here we go. Stop. Now, again, I'm just going to tell you,
18 you're going to see some times when not much is happening, but
19 this is just a true-to-life recording of exactly what was on
20 the screen at the time.

21 Okay, so in your ordinary Internet Explorer browser, I've
22 clicked on the favorites tab, and one of the favorites that
23 I've saved is the Lawson portal.

24 Q Is this an example of the drop-down menu you were talking
25 about earlier?

1 A Sure. Exactly. So I'm going to go down and click on
2 Lawson portal. Continue. Now, this is one of those waits.
3 Okay. We get to the Lawson log-in screen. So we put in the
4 user name and password and then click on log in. This will be
5 one of those longer waits. You can see the time clicking away
6 in the bottom right-hand corner.

7 Stop. So now we are at the Lawson home page, and if you
8 are familiar with browsers, you see up here, there is the URL
9 that we're using. LSF server, that's Lawson server foundation,
10 that's what we talked about before. Server.corpnet.lawson.com.
11 So we're looking at the portal.

12 Q All right, you used the term URL. Can you explain to the
13 jurors what you mean by that?

14 A Falling back into my vernacular. Universal resource
15 locator, so commonly called a web address. Okay, so we can
16 continue. Top. Stop. That was stop, not top. Here's another
17 one of those drop-down menus. So on the left-hand side, I have
18 a menu. One of the top level choices was requisition self
19 service. So I'm going into the RSS module, and I'm picking one
20 of the activities that is there. This is one of the
21 capabilities. All right, so I'm going to click on the shopping
22 selection. Continue.

23 Stop. So, now we come to the shopping screen. Again, if
24 you look up here at the top, you will see there are some
25 choices that can be made. These are, again, top levels of what

1 will be drop-down menus. I'm going to go click on this
2 find/shop, and that's going to give me additional choices.
3 Continue.

4 Stop. So here are the choices. I can search the
5 catalogs, I can do a Punchout. I'm going to do that later.
6 Down there at the bottom is categories. So I'm going to go
7 down and click on categories, because I want to do a category
8 search. Continue.

9 Stop. Now, remember with the UNSPSC codes, we said that
10 there were four levels: Segment, family, class, and commodity.
11 So what is showing here in the category tab, the category
12 window, is the first three of a small set of these top level
13 categories, these segment categories. So, remember, there
14 could have been a hundred of them, 00 to 99, but here, for
15 clarity, everyone exchanges those digits for names so that they
16 have -- they make sense to humans.

17 So my top choice there, live plant and animal material and
18 accessories and supplies, that's one of the segment codes.
19 Now, I don't know what code it is, 23, 99, I don't know. It
20 doesn't matter. It is representative of what is in this very
21 broad segment. So I'm going to scroll down and show you the
22 others, and then I'm going to come back and pick one in the
23 middle. Continue. See, we only had about six there. Stop.

24 Q Let me ask you a question about that then. There are only
25 six here to illustrate the functionality of it. Does the

1 Lawson requisition self service you are using here have the
2 capability to have more?

3 A Absolutely.

4 Q How many could it have?

5 A It could be a hundred different segments. Each of those
6 segments could have a hundred families. They could each have a
7 hundred classes. They could each have a hundred commodities.

8 Q I noticed you clicked on one of these segments?

9 A The one I clicked there in the middle is communications
10 and computer equipment and peripherals and components and
11 supplies. So you can see how broad a category that segment
12 name represents. So what we're going to do now is drill down
13 to become finer-grained.

14 So having clicked on that top level segment -- continue --
15 stop. So underneath the segment is the family. Now, here we
16 show that there's very little data in the system we were
17 provided. Whereas there could be a hundred different family
18 names, there's only one. So due to the paucity of data here,
19 I'm going to click the only possibility I've got.

20 All right, so I've done the segment. This is the family.
21 I'm going to click on the family name, hardware and
22 accessories. Continue.

23 Stop. So now we're down to the class. There could have
24 been a hundred classes, but, again, because there's so little
25 data here, there's only two. So as I look at the class, I have

1 a choice of computers or monitors and displays. So I'm going
2 to go for computers. Continue.

3 Stop. Now I'm down to the commodity level. The
4 commodities, there should be a lot of them, but because of the
5 paucity of data here, we have only one commodity category,
6 notebook computers. So I'll click the only choice I've got,
7 and then that will list the actual item data that is underneath
8 the notebook computers commodity code. Continue.

9 Stop. So now we see all of the items in the database that
10 have the UNSPSC code for notebook computers, and there's only
11 two, okay? Small database.

12 Q So I understand, for the segments, there could have been
13 thousands, for families there have been --

14 A Hundreds.

15 Q Hundreds. What is the next level?

16 A So you start with segment.

17 Q Class?

18 A Could be a hundred. Then family -- each of those segments
19 could have a hundred, and then each of those families could
20 have a hundred classes, and each of the classes could have a
21 hundred commodities.

22 Q Those commodities, you could have thousands of items?

23 A Right. Once you get down to the commodity level, you have
24 unlimited number of items that map to that code. Here we have
25 two. Okay, it's going to do the job, though.

1 All right, so I'm going to look at these two computers.
2 You can see the first line item there is an IBM ThinkPad, and
3 it has an item number of 6001. The one below it is a Dell
4 Inspiron 8000. It has an item number of 6020. So I'm going to
5 go click on the item number, and that's going to get us a
6 description of this item.

7 Q Before you do that, Doctor, does it have unit measure
8 category?

9 A Right. Under UOM, you see each.

10 Q Does it have cost information?

11 A Under cost, the ThinkPad is 2,500. The Dell is 2,000.

12 Q Does it have description of the item?

13 A It has a description, IBM ThinkPad T20 or Dell Inspiron
14 8000 with Intel Pentium processors.

15 Q You indicated it had an item number?

16 A There is an item number.

17 Q And it even provides for the Intel Pentium or the Dell
18 Inspiron, the manufacturer?

19 A I just covered up the description. Yeah. So not only do
20 we have in this case the name of the computer, Dell Inspiron
21 8000, we also have a little more descriptive information, that
22 it's an Intel Pentium III processor.

23 Okay. We'll continue. Oh, and stop. I should also note
24 while we're here that over here is the Dell shopping cart, and
25 it's obviously empty. It's supposed to be empty --

1 Q I think you misspoke. I think you said the Dell shopping
2 cart.

3 A I misspoke. This is the Lawson shopping cart right here
4 where it says my cart. And so as I select items, they will
5 show up in the shopping cart, but we'll see that. All right,
6 so now I'm READY to drill down on the ThinkPad. Continue.

7 So I click on that item number. Stop. And this retrieves
8 the data in the item master and vendor item table database and
9 tells me about the item. So we have an item number, we have a
10 description, a unit of measure, a cost.

11 We have a source vendor ID, 118, and a source vendor name,
12 Office Max. So from observing this information that is
13 produced, I know that this IBM ThinkPad has a vendor source of
14 Office Max.

15 Q Let me stop and ask a question, Doctor. There's a box
16 there that says image not available. Does this RSS application
17 have the ability to load images of the items offered for sale?

18 A It does, and the documentation encourages one to do so.
19 But, again, because of the paucity of data, we didn't have any
20 item images in the data we were given.

21 Q This is how it was provided to us; it could have been
22 provided with an image, because the software permits you to do
23 that?

24 A Right. It could have been chock-full of images, but it
25 wasn't. Okay, so I'm going to scroll down and up so you see

1 all of the information that was presented to me as the user of
2 the RSS system, and then we'll go back and look at the other
3 Dell computer. So continue. So now I'm going to add that to
4 the cart.

5 Stop. So here in the Lawson shopping cart, I have my IBM
6 ThinkPad T20, item number 6001; quantity, one; unit of measure,
7 each; cost, \$2,500. So I'm going to park this item in the
8 shopping cart, but then I'm going to go back and look at the
9 equivalent items, equivalent in that they had the same UNSPSC
10 code.

11 All right, so we'll continue, and I'll click on this back
12 button over here. So here -- stop. Here is that second line
13 item as we saw before, the Dell Inspiron. So I'm clicking on
14 its item number, and we'll drill down on that and see what
15 information is provided there. Continue.

16 Stop. So similarly to what we saw before, this is the
17 other machine. It's an item -- I wiped it out. Item 6020, a
18 Dell Inspiron 8000 with Pentium III processor, a unit of
19 measure each, and a cost of 2,000. But it has a source vendor,
20 ID code of 124, and a source vendor name of Diablo.

21 So the first computer, the ThinkPad was coming from the
22 Office Max catalog. This is coming from the Diablo catalog.
23 So I stare at that, and I think which of these machines is a
24 better choice for me. I'm cheap, so I'm going to go with this
25 one. So I will add this one to the shopping cart, Lawson

1 shopping cart, and delete the other one. So continue.

2 Okay, now stop. So now I have both notebook computers in
3 the Lawson shopping cart, and I'm going to go up here to this X
4 and delete the ThinkPad. Continue.

5 And like all good software, it asks me, do you really want
6 to delete that, and I say, yes. Okay. Stop. So at this
7 point, I have done the UNSPSC code, found two generally
8 equivalent notebook computers, chose one, added it to the
9 shopping cart, added the other one to the shopping cart,
10 deleted the first one.

11 So I've been able to convert one item from one source, the
12 ThinkPad from Office Max, into an equivalent item from another
13 source, the Dell Inspiron here, and having done that, I'm now
14 going to go back and pick another category and find another
15 item to add so that I'll have multiple items in my shopping
16 cart.

17 Okay, so I'm backed out -- because I did that drop-down
18 menu to categories, I'm back at the highest level, the segment
19 level. So continue. Scroll down. Stop. So this time my
20 segment level is laboratory and measuring and observing and
21 testing equipment. Continue. Stop. My family, again, there's
22 only two here, laboratory and scientific equipment, or
23 measuring or observing, or testing instruments and accessories.
24 Continue.

25 So I pick at my family, laboratory and scientific

1 equipment. Stop. Oh, I might also note that the hierarchy
2 tree is being kept for me up here at the top. Here's my
3 segment level, here's my family level. As soon as I click here
4 on my class level, it will appear here and so on.

5 All right, so I'm about to click on laboratory,
6 environmental conditioning equipment for my third category.
7 Continue.

8 Stop. Okay, now, again, we're down to commodities. There
9 could be a hundred of these, but there's not. There's just
10 one. There's one commodity called glove boxes. So when I
11 click on this, I will see all the items in the item master
12 database and the vendor item table that have been encoded with
13 the UNSPSC code for glove boxes. Continue.

14 Stop. Once again, the database is small, so there's only
15 two entries under the commodity heading. Both of these are
16 boxes of sterile surgical gloves, so I'm going to pick one and
17 add that to my Lawson shopping cart. Continue. I'm going to
18 look at it first. Smart shopper.

19 Stop. All right. So I just did a drill-down as I did
20 with the computers. So you see we have an item number, 1036,
21 we have a description, gloves, sterile surgical, size seven. A
22 unit of measure. Here it's case, cost, 400 bucks, source
23 vendor. The ID number is 117, and the source vendor name is
24 Baxter Healthcare.

25 Continue. So scroll down and back up, and add that to my

1 shopping cart. So here it is, gloves at the top, Dell computer
2 at the bottom. Now stop. I have finished shopping, so I have
3 the information from the database now in the shopping cart. My
4 next goal is to create a requisition. Then I'll need to get
5 that approved, and then I'll need to get that turned into
6 purchase orders.

7 So since the gloves and the Dell came from different
8 vendors, I will need two POs, one to each of those vendors, so
9 I'm going to click on checkout. Continue. All right, saved.

10 Stop. So it gives it a number, 911. So when I come into
11 this system next, I'm going to come in as a manager, and I'm
12 going to look for this order 911 that is existing in the
13 system. I'm going to find it among all other orders, and then
14 I'm going to get it approved. All right, continue. Status
15 needs approval.

16 All right, back to the portal home page, and now I'm going
17 to come in as a manager. Here are some requisitions, but 911
18 is not among them. Stop. Here is the requisition 911, and
19 that's the one I need to have approved. Continue.

20 Stop. So here we pull up the requisition, you see right
21 there, and we have the two line items, the Dell Inspiron and
22 the case of gloves. So I've logged in now as the manager when
23 I clicked on manager, and so here are the actions I can take:
24 Approve, reject, or unrelease, so I'm going to approve these.
25 Continue.

1 Okay, approve, approve action to be taken. Okay. Work
2 object. Taken, all right. Stop. So at this point, it looks
3 like -- superficially it looks like I'm done. It looks like
4 I've got it approved, but in this particular example, there
5 were additional business logic rules that said, aha, you have a
6 computer in there. That's a technical thing, so you need
7 technical approval in addition to manager's approval. Okay,
8 we'll go get that, too, so back I go as a manager. Continue.

9 Approve technical items, find 911. There it is. Stop.
10 And so now what I'm going to be approving is the fact that it's
11 got a computer in there. Continue.

12 Stop. While we're here, we may as well show, to show that
13 I'm doing the technical approval, we have this item detailed
14 down here that says it's the Dell computer from Diablo that I'm
15 approving. So I go back up to approve it.

16 Q Let me stop you for a second, Doctor, and ask you, we've
17 been seeing a number -- some of the features that we're going
18 to be talking about in the claims that were necessary about the
19 product catalog and selecting product catalogs and doing
20 comparison shopping using UNSPSC codes.

21 MR. McDONALD: I object to the form, Your Honor.
22 That wasn't a question.

23 Q Let me ask this question: This approval process, is this
24 part of the claimed elements that are being asserted here?

25 A No.

1 Q Because there's an approval process which is an additional
2 step or additional feature that's there beyond the claim
3 elements, does that render a system non-infringing?

4 A No.

5 Q Having this approval process is irrelevant to the analysis
6 when the jury needs to go back and determine whether or not the
7 functionality either satisfies a system or method?

8 A That's correct.

9 Q Thank you.

10 A Okay, so we're ready now to do the technical approval.
11 Continue. So I'll click approval, approval action taken. Work
12 object dispatched. Stop. Now, you heard me say earlier that
13 in the purchase order module, there's a program called PO 100
14 that turns requisitions into purchase orders. So I'm going to
15 run that program, PO 100, and I'm going to tell it which
16 requisition to go get. You might -- you may or may not recall
17 that I said that information gets cached in the system and
18 retrieved.

19 This is retrieving the requisition data by the purchase
20 order module, and then we'll see it generate POs. Okay, so now
21 we're ready to run the PO 100 program. Continue.

22 Stop. So here is the opening screen for the PO 100
23 program. So I'm going to fill in job name and job description,
24 I'm going to put in three pieces of information that the system
25 requires. Here this has -- this part has nothing to do with

1 infringing. This is just how you make the system work, and
2 then we'll see it -- turn the requisition or choose the
3 requisition and then we'll see it.

4 We've chosen the requisition, or have we? No, we're about
5 to because I'm going to give it a name, and then we'll see it
6 generate POs.

7 So I'll call this job RQ911, give it a name, requisition
8 number 911. Default delivery is five days. Release the
9 purchase orders, yes. Choose an option for exception reports.
10 There are some other boxes that are available. I don't need
11 any of these. I'll go back to the main tab, and, okay, that's
12 all I need to do, so I add this. And now I'm ready to submit
13 it to the system for -- by submit, I mean turn the requisition
14 into a PO. So I click on submit, give this a submit -- all
15 right, and stop.

16 Now, this process is actually running what we call in the
17 background. The foreground is this PO 100 screen, and the
18 program is running in the background converting the requisition
19 to a purchase order, so when this was done in realtime, enough
20 time had elapsed for that process to occur and for a report to
21 be generated which is the purchase order.

22 So what I'm going to do next is just go look at it,
23 because it's been created. I just can't see it yet, so
24 continue. I'm going to go up here to the print manager and
25 click on that. Stop.

1 So here this print manager keeps copies of the things it
2 creates, and the very top one on the list is that job that I
3 just named requisition number 911, and it was operated on by
4 the PO 100 program. So when I go click on this, I'm going to
5 reveal the purchase orders that have been created. Continue.

6 Stop. So if you think of this screen and then the
7 scroll-down menu as a big piece of paper, up here at the top we
8 have some information like when it was run, and then here we
9 have information that's important to a purchase order, namely
10 who is doing the purchasing.

11 So in this case, the buyer is the Metropolis Medical
12 Center, and it's their -- somewhere in here it will say the
13 delivery location is main. Well, I don't see that yet. It
14 doesn't matter. What we're going to do now is scroll down a
15 bit more. Okay, continue.

16 Move from side to side, there's nothing to the right.
17 Stop. So here is the first purchase order. Our buyer,
18 Metropolis Medical Center, we have a vendor, 117. Baxter
19 Healthcare is that vendor. We have an item number 1036. We
20 have a description, sterile surgical gloves, size seven. Its
21 source document was requisition 911. Quantity is one. Unit of
22 measure is a case, and here's what I was looking for. The
23 requesting location is main. And then here, the PO has been
24 released. So this system has created the purchase order and
25 released it.

1 Now, that's the first of two. So now I'm going to scroll
2 down some more. Continue. Stop. And here's the second PO.
3 So it's at the bottom of this conceptual sheet of paper. So,
4 again, we have the buyer, Metropolis. We have a vendor, number
5 124 from Diablo. The item number is 6020. The item
6 description is the Dell Inspiron 8000. It came from the 911
7 requisition. I'm ordering one of them in unit of measure each,
8 and I'm delivering it to main.

9 Now, here, for the second PO, it has been released. So
10 two POs have been created and released, and the report
11 summarizes two POs created. That's the end.

12 Q Thank you. Now, Doctor we're going to be going through
13 some more documents, and we have three more demonstrations to
14 sort of illustrate the functionality of this accused system.
15 And at some point, I'm going to be asking you to go through all
16 12 of these asserted claims for each element under the Court's
17 claim construction. Are you going to be able to do that for
18 me?

19 A Sure.

20 Q At this point, just keeping the Court's claim terms in
21 mind, let me just ask you, at a high level with respect to this
22 demonstration we just saw, and keeping the claim three and
23 claim 28 we talked about which include that element for
24 converting, did we see at least two product catalogs?

25 A Yes, we did.

1 Q Did we see the ability to select those product catalogs to
2 search?

3 A We did that through the categories.

4 Q Tell me what two product catalogs we saw?

5 A Office Max and Baxter Healthcare.

6 Q Did we also see Dell and Diablo?

7 A Yeah, that's right, we did.

8 Q And was there an ability to select the product catalogs?

9 A Yes, we did it through the categories.

10 Q Was there an ability to search for matching items in those
11 product catalogs?

12 A We did that.

13 Q How did we do that?

14 A We put in the -- we did the category search by marching
15 through the UNSPSC codes, picking a commodity and then picking
16 items.

17 Q Once you had selected those items from the office, from
18 the shopping cart, were you able to put them into a
19 requisition?

20 A Yes.

21 Q And did you -- were you able, from that requisition, after
22 you got the appropriate approvals which are not part of the
23 claims of the -- elements of claim, excuse me, were you able to
24 generate one or more purchase orders from that requisition?

25 A Yes, we did.

1 Q And were you able, using the UNSPSC, to find items that
2 were similar, generally equivalent?

3 A Yes, I converted that ThinkPad into a Dell.

4 Q Thank you. Doctor, I'd like you to take a look at
5 Plaintiff's Exhibit 280, and can you identify what this
6 document is?

7 A This is the Lawson Software response to Presbyterian
8 Healthcare Services.

9 Q So this is another one of those responses to an RFP?

10 A That's correct.

11 Q And what is it dated?

12 A March 22nd, 2005.

13 Q And if you could take a look at the page that begins with
14 barcode 196, if you would, sir. And here -- which has a Bates
15 number that ends 848.

16 A Yes, I'm there.

17 Q And here Presbyterian Hospital, in this -- here Lawson, in
18 this response to the request for proposal from the Presbyterian
19 Healthcare Services, is ask asking about requisitioning
20 capability from Lawson; is that right?

21 A Yes. That's exactly what it says.

22 Q And it says in the requisitioning capability, it's asking
23 to describe your ordering tools for various types of items,
24 stock, nonstock, and non-catalogs; do you see that?

25 A Mike, it is below there. There it is.

1 Q Okay. And the response, is that on the next page?

2 A That's on the next page.

3 Q Let me -- okay, let's go to the next page. And in
4 response to this RFP, this Lawson requisition, is that one of
5 the modules that you've been describing today?

6 A It is.

7 Q What does it say that the capability is of Lawson
8 requisitions that Lawson is representing to the Presbyterian
9 Healthcare Services?

10 A That first paragraph says, Lawson requisitions enables
11 users to view online catalogs for stock and nonstock items,
12 select items from the catalog or a template, and add additional
13 comments to their requisitions.

14 Also, requesters can add non-catalog items such as service
15 or specials through item free form input. Additionally,
16 requester can view all previously created requisitions and
17 status with requisition inquiry.

18 So this tells us that the users can view online catalogs,
19 they can select items, and they can prepare requisitions.

20 Q And this is using that requisitions module that you
21 described; is that right?

22 A It is.

23 Q Let me ask you, there's an additional question on this
24 page where Presbyterian Healthcare Services asks Lawson to
25 quote, describe your system's ability to establish global

1 requisition templates and its ability to support role-based
2 modification of requisition templates. Can you tell us how
3 Lawson responded to that question?

4 A Right. Underneath that is the answer. Users have the
5 ability to select items from the item catalog, external vendor
6 catalogs called Punchout, or from predefined shopping lists.

7 So this is telling us that we have the ability to select
8 items from the internal catalog, item master and vendor item
9 table, or from external catalogs, and that external vendor
10 catalogs are available through the Punchout mechanism.

11 Q So earlier this morning, the Court had asked the question
12 concerning whether there were two different types of catalogs
13 that might be -- that might satisfy the claim language as the
14 Court has interpreted it. Is this an illustration of two types
15 of catalogs available from the Lawson system?

16 A Absolutely. It's selecting from the item catalog, that's
17 the internal one, and then the external ones are the Punchout
18 catalogs.

19 Q If we could go to page 194 of this document which has the
20 Bates label 846. There's a question by this requester, how can
21 an end user utilize your solution to order an item from CS for
22 direct delivery to floor. Do you see that?

23 A I do.

24 Q What do you understand CS to mean?

25 A I forget.

1 Q Okay. What is Lawson's response?

2 A Lawson requisition self service enables users to order any
3 type of item, stock, nonstock, special, or service, from a
4 single user interface. Lawson enables users to perform
5 searches within the catalog or utilize UNSPSC categories for
6 selection.

7 This next phrase says, Lawson eProcurement -- that
8 eProcurement is the prior name of the Punchout product. Lawson
9 e-Procurement also supports Punchout technology that enables
10 users to access external supplier catalogs and bring selected
11 items back to the Lawson requisition for processing.

12 Q When you said Lawson eProcurement was the prior name for
13 Lawson Punchout, did you see documentation in the review of
14 materials you were provided that indicated that?

15 A Yes, I did.

16 Q Now, this is talking about Lawson requisition self server;
17 correct?

18 A Yes.

19 Q And that was the software that we saw in the first
20 demonstration you did; correct?

21 A Correct.

22 Q And that Lawson is representing here it can perform
23 searches within the catalog or utilize the UNSPSC categories
24 for selection; is that right?

25 A Yes.

1 Q And did you demonstrate that capability in your video?

2 A Yes, I did.

3 Q Going back to page 197 for a moment with respect to this
4 representation about viewing online catalogs and select items
5 from that catalog, why is that relevant to any determination
6 the jury may have to make with respect to the asserted claims
7 here?

8 A Would you repeat the question.

9 Q Sure. We talked about Lawson requisitions here, and it
10 was enabling the users to view online catalogs for stock and
11 nonstock items and select items from that catalog. Why is that
12 important?

13 A Well, the ability to view catalogs, to select catalogs and
14 to view items and to view these external catalogs, those relate
15 to the claim, to the elements of the claims that we're
16 discussing.

17 Q Going back -- sorry for switching back and forth, but
18 going back to page 194, there was a description here about this
19 Punchout capability. Do you have a video that you are going to
20 be showing the jury demonstrating the Punchout capability?

21 A Yes, I'm going to do that.

22 Q There was a document that we were referring to earlier
23 with respect to Punchout that had a diagram with kind of logic
24 flow or process flow on that document.

25 A I remember that.

1 Q I'm just identifying that document, and we'll go back and
2 address what was illustrated there with respect to Punchout if
3 we could for a moment.

4 MR. ROBERTSON: If I might have a brief indulgence,
5 Your Honor, to find that document. Can we see Exhibit 211.

6 Q It is 211, and it's the barcode 12 of the document ending
7 in a Bates label 790, and we just confirmed, just go back to
8 the first page, Mike, that it's the Lawson procurement Punchout
9 installation guide. Do you see that?

10 A I do.

11 Q Now back to page 12, top of the document, it says, Lawson
12 procurement Punchout network architecture example. Do you see
13 that?

14 A I sure do.

15 Q I'm going to ask you if you can try and walk us through
16 this, because it's fairly complicated, and, unfortunately, it's
17 a little bit difficult to read.

18 A What I'll ask Mike to do is to blow up parts of it. This
19 is a series of eight steps, and I want you to be able to see
20 what the document says about each of the eight as I explain
21 what it means.

22 So to set the context here, a user is using the Lawson
23 system, and if you remember that find/shop drop-down menu, one
24 of the things on there was Punchout, and I said we would get to
25 that. Well, we've gotten to that.

1 So this document is explaining technically what's going to
2 go on when we do the Punchout, when we go on the external
3 vendor catalog. When we do the memo, of course, you'll see the
4 interactions, but this is explaining the information flow, and
5 that turns out to be important for the claims that we're
6 talking about.

7 Okay, so it begins, as you are going to see, the user
8 clicks on a Punchout vendor icon in RSS. So the user is
9 sitting at the requisition self service and will have a series
10 of icons like Staples or Office Max or Dell, and the user is
11 going to click on one of those, and that's going to initiate
12 this Punchout session.

13 So now we'll go to step two. RSS sends, and this is --
14 what you see here, Punchoutsetuprequest, all one word. So that
15 is a computer function that's being called.

16 Q When you say RSS --

17 A Requisition self service. So it makes this function call
18 and sends a Punchoutsetuprequest to the vendor for
19 authorization. So this is an outbound communication from
20 Lawson -- so let's, for convenience, let's just name an
21 external vendor. Let's say Dell.

22 So it's going to send a message to the external vendor,
23 Dell, and it's going to have information in there that nobody
24 but Lawson and Dell would know, and that's how it's going to
25 authenticate, or authorize in this case, and you can see this

1 is for security. You don't want just anybody highjacking your
2 session.

3 This information goes to the external vendor site. This
4 is a website. And when that message arrives, it's going to
5 invoke a remote Punchout servlet, s-e-r-v-l-e-t. A servlet
6 is -- computer science doesn't have many jokes, but this is one
7 of them. It's a baby server, a servlet, and so the servlet is
8 a piece of code that is watching for incoming information.

9 So when this Punchoutsetuprequest arrives, the Punchout
10 servlet grabs it, decodes it, and operates on it. What does it
11 do?

12 Q Can I ask you who provides this Punchout servlet?

13 A All of this comes from Lawson. So now we're moving to
14 step three. The vendor responds with a Punchoutsetupresponse
15 sent back to Lawson requisition self service. So this is the
16 symmetric communication that comes back. What went out was the
17 Punchoutsetuprequest. What's coming back is the
18 Punchoutsetupresponse. So now the two entities, Lawson and the
19 external vendor, have authenticated each other.

20 THE COURT: What are -- I'm using the system, and I'm
21 calling Dell on the computer.

22 THE WITNESS: Yes, sir.

23 THE COURT: What am I asking Dell; send me a catalog
24 or buy me a beer or what?

25 THE WITNESS: No, sir. The Lawson computer and the

1 Dell computer are merely identifying each other. The user has
2 not really done anything but one mouse click on let's say the
3 Dell icon.

4 In our computer parlance, the two computers are
5 setting up a communication path. That's all that's happened.

6 Q At this stage?

7 A So far. All right, step four, so, we mentioned the
8 universal resource locator, the URL. That's the web address of
9 a computer. This is why this technical detail is important.
10 When the Lawson system contacts the external servlet, part of
11 the code design is that the servlet sends back to Lawson the
12 address, the URL, and embeds it in the Punchoutsetupresponse,
13 and that is how Lawson knows where to redirect the user so that
14 the user finds the specific customized catalog that that vendor
15 has created by agreement with the user.

16 So the web address is provided by, in this case Dell, so
17 it's not www.dell.com. It's something special, and we're going
18 to see that. So that URL comes back in this
19 Punchoutsetupresponse, and then the Lawson system is going to
20 redirect to there. And we're going to see that happen.

21 THE COURT: When you say Lawson is doing it, do you
22 mean Lawson system?

23 THE WITNESS: I do, sir.

24 THE COURT: So if I'm using the Lawson system where
25 you just said Lawson does it, it's the Lawson system that's

1 doing it when I punch that one button that you told me you
2 punched a minute ago.

3 THE WITNESS: Yes, sir, that is exactly right.

4 THE COURT: But it doesn't have to be somebody
5 sitting in Lawson's office, or it can be me or --

6 THE WITNESS: No, sir. It's not you or me. After
7 that first click, everything I've talked about is just
8 computers talking to each other, and this whole experience
9 takes microseconds. Milliseconds. It's really fast. (Making
10 noise) and that information is exchanged.

11 Step five, new shopping window opens. Okay, now
12 that's easy to understand. So a window is going to open, and
13 it's connected to this special external vendor site. We're
14 saying Dell. And so now you start shopping. That's you, the
15 user. You're doing shopping at the special Dell website. You
16 pick some items, you put them in the Dell shopping cart, you
17 click checkout. That part is easy to understand.

18 THE COURT: Well, now you say I'm connected to the
19 vendor site. Am I just looking in the vendor's catalog at this
20 point in time, or am I doing something else?

21 THE WITNESS: You are looking at a special catalog,
22 one that was designed by Dell for whoever you, the customer,
23 are, and you are shopping within that catalog. So now you
24 check out.

25 Q Let me ask you then, Doctor, you, the user, are using the

1 Lawson requisition self service?

2 A I realize that can be ambiguous. So I, the human user,
3 using the Lawson system, have connected to the external special
4 Dell site. I have shopped. I have put some items in the Dell
5 shopping cart. I have clicked on the Dell checkout.

6 Q I want to stop you there because this is a little
7 confusing when you say special Dell website. This is not the
8 Dell website that I can just open a browser and go to and shop
9 from my home computer. What is this special Dell website you
10 are referring to here?

11 A It is a website that Dell has created for this customer,
12 and its address is that URL I showed you in step four.

13 Q But let me ask you, to get to this special website you've
14 been talking about, what software are we using to do that?

15 A This is the Lawson software. It's redirecting me to this
16 special site.

17 Q When you do this demonstration that is going to illustrate
18 this Punchout capability of this requisition self service, are
19 we going to be able to see that we're not just at the
20 commercially available Internet Explorer website of Dell but
21 we're at some sort of specialized website that has been set up,
22 directed, and controlled in some way by Lawson?

23 A That's right. That's why I wanted -- that's why this
24 technical detail is necessary, so that we can see and observe
25 and interpret that in the demonstration.

1 Q I didn't mean to interrupt. I'm sorry.

2 A That's fine. So we check out, me, the human user. I
3 check out. Step six, vendor, so that's Dell, sends the
4 shopping cart content in a special message, this Punchout order
5 request. So we had a Punchoutsetuprequest and a setup
6 response. Now we have an order request.

7 So Dell is sending the content of the shopping cart back
8 to Lawson in this message, the Punchout order request.
9 Symmetrically to the servlet running over on the Dell side is a
10 servlet running on the Lawson side. So that servlet picks up
11 this document, this Punchout order request from where it's
12 temporarily cached, just temporarily stored.

13 Q Before we move on, Doctor, can you tell us who specifies
14 the format for the data that's come back to Lawson?

15 A Lawson controls all of this, and we have documents that
16 show what those formats are.

17 Q Sorry to interrupt.

18 A So the order comes back into the Lawson system. The
19 shopping session ends, and your special window closes. Now you
20 will be visibly back in the Lawson system. We've never really
21 left it, but you'll be back from the Dell side to the Lawson
22 side.

23 Step seven. So the shopping session ended. So detecting
24 that, RSS submits a request to the Punchout servlet to retrieve
25 the cached shopping cart content. So that's go get that order

1 request document and pull it into the Lawson system.

2 Q Where did that directive come from?

3 A All of this, all of this code, all of these directions,
4 all of these formats are provided by Lawson. They are in the
5 documents. The code is given to the external vendors and a
6 partnership is created. So all of this stuff that is quite
7 technical just appears miraculously to work.

8 Q Have you seen documentation where Lawson actually calls
9 these vendors Punchout partners?

10 A Yes.

11 Q Will we see some of that?

12 A Yes, I hope so.

13 Q Thank you.

14 A So this is the next-to-the-last step. So we go on to step
15 eight. Requisition self service creates a Lawson requisition
16 from this retrieved content. So the shopping cart was returned
17 in the order request document. That was cached or saved. Now
18 it's been retrieved, and Lawson requisition creates -- the
19 requisition software module creates a requisition for whatever
20 it was I bought, ordered at Dell.

21 Okay, so that's the technical side of what we're going to
22 see in the demonstration.

23 Q Thank you for that. I brought that all up in the context
24 of Plaintiff's Exhibit Number 280 that was offering that
25 Punchout capability that was the response to the Presbyterian

1 Health Services request for proposal. I'd like to go back to
2 that if I could for a second, Doctor. It's volume six.

3 Specifically, could you go to the page when you get it,
4 Bates label -- barcode 201 that ends with a Bates label 853.
5 You recall we were talking about the requisition capability
6 that was being offered to Presbyterian Healthcare Services?

7 A Yes.

8 Q Here is a question they ask in this RFP. Describe your
9 system's ability to search for common items via a synonym
10 search, partial name, or other criteria; do you see that?

11 A Yes.

12 Q How did Lawson respond?

13 A Lawson enables users to easily search for items by almost
14 any item field within the system. Common search fields include
15 item number, item description, secondary item description, item
16 class, purchasing class, vendor item, manufacturer item,
17 generic name, universal product code, national drug code, shop
18 keeping unit, health industry business commodity code,
19 universal commodity code, et cetera. Additionally, users can
20 utilize synonyms for keyword searches.

21 Q So what is Lawson telling Presbyterian Hospital about the
22 capability of its requisitioning module?

23 A That their users will be able to search the catalogs in
24 their database using many different search criteria including
25 the ones I just named.

1 Q Why is that of relevance to any determination the jury
2 needs to make with respect to infringement here?

3 A Because the user will be able to search these catalogs to
4 find matching items.

5 Q By using any one of the these --

6 A By using any of these attributes that have been listed
7 here.

8 Q Turn to the page in Exhibit 280 which is barcode 73 which
9 ends in the Bates label 725, sir, please. And the question
10 being asked here by Presbyterian Healthcare Services is, show
11 us an automated routing of requisition for stock picking,
12 purchase order creation, or EDI purchase order, (ANSI, X12 850)
13 to predefined vendor. Do you see that?

14 A I do.

15 Q Do you know what ANSI stands for?

16 A American National Standards Institute.

17 Q Standardized --

18 A It's an institute that manages standards in America.

19 Q Are you familiar with this particular standard?

20 A Well, there's all kinds of them, but the X12 set of
21 standards is the electronic data interchange set.

22 Q So what does Lawson represent here as far as the
23 capabilities of it, its ability to perform this functionality?

24 A The answer is on the next page. So under the heading
25 nonstock items --

1 Q Refresh us again what nonstock items are.

2 A These are items that are not owned and stocked by the
3 using entities but instead are being purchased from external
4 vendors. When requisition lines that require the generation of
5 a purchase order are created and approved, the system routes
6 these lines to a holding area to await processing by the
7 purchase order module. The cost must be included in order for
8 a requisition line to be created.

9 Moving down on the page --

10 Q Let me stop you there. When you talk about nonstock
11 items, you mentioned from external vendors. Could these
12 external vendors be both the Punchout vendors that you
13 described and the internal catalogs that are composed from the
14 item master list and the vendor table?

15 A Yes.

16 Q Thank you. Where are you now?

17 A So in order for a PO to be created automatically, a vendor
18 must also be included on the requisition line. And then,
19 skipping down to the start of the next paragraph, if the
20 necessary information is present in the requisition line, a
21 scheduled job will pull the items from the holding area and put
22 the item on a purchase order for the vendor.

23 So this confirms that we need a vendor name, and we need a
24 cost in the requisition in order for that to become a purchase
25 order, and that is information that comes from the vendor.

1 Q If I could direct you to page 182 barcode, Bates labeled
2 834, another question is being asked in this RFP. Here it
3 says, define capabilities for uploading foreign data such as
4 price files that are not available as an 832, describe
5 exporting capabilities. What is Lawson's response?

6 A In addition to supporting 832 catalog imports, Lawson also
7 enables item information to be imported via Excel uploads or
8 utilizing the vendor pricing import functionality. The vendor
9 pricing import program supports the uploading of vendor
10 agreements, and at the top of the next page, and creating or
11 updating item master information.

12 Q Do you know what this 832 catalog import is?

13 A Yes. So electronic data interchange has lots of
14 predefined standards for how documents are to be exchanged and
15 what their formats are. So the 832 is the format for an
16 electronic vendor catalog.

17 Q You mentioned the uploading of vendor agreements before.
18 The vendor agreements, what did you indicate with respect to
19 them as to whether they could have catalog data?

20 A Those are the vendor price agreements, so they provide the
21 cost information.

22 Q Turn to page 190 of this exhibit. There's a question
23 being asked in this requisitions module, what electronic
24 transaction sets can be handled. Do you see that?

25 A Yes.

1 Q What is Lawson's response?

2 A Lawson procurement supports electronic data interchange
3 with numerous vendors and suppliers. Transactions that are
4 currently supported include 850 purchase order, 855 purchase
5 order acknowledgment, 856 advance ship notification, 810
6 invoice, and 832 item catalog. Additionally, Lawson provides
7 interface files within each module to further the exchange of
8 information as needed.

9 Q So what, if any, relevance does that have to the issues
10 the jury needs to determine?

11 A This says that Lawson supports these standardized EDI
12 transactions, so they can send purchase orders to vendors, they
13 can receive the purchase order acknowledgment that tells
14 whether or not the order was accepted, whether it had errors,
15 whether items that were in there were backordered or not
16 available in stock, and using that 832 transaction, that Lawson
17 can import a vendor catalog using the EDI functionality.

18 MR. ROBERTSON: I'm moving on to another document,
19 Your Honor. I don't know when it was you wanted to take your
20 afternoon break, but I'm happy to move forward.

21 THE COURT: Well, we probably need go ahead and
22 change court reporters.

23 THE COURT REPORTER: I can go a little bit longer.

24 THE COURT: Go ahead, and we'll see. We'll take a
25 break in maybe 15 minutes.

1 Q I'd like you to look at Plaintiff's Exhibit Number 170
2 which, I believe, is in binder four. Again, this is another
3 response to a request for proposal from, in this case CML
4 Healthcare?

5 A That's right.

6 Q What is the date of this response?

7 A April 30th, 2009.

8 Q I forget if I ask this but it's a Lawson response; is that
9 right?

10 A Yes, it is.

11 Q Why don't we take a look at page five of this document
12 which is -- ends with the barcode 852, and this is a section
13 entitled 1.0 executive summary; is that right?

14 A No, I don't think my page five is the same as yours. Do
15 you have a Bates number?

16 Q 852. Do you have Plaintiff's Exhibit 170?

17 A It was in the other direction.

18 Q Are we on the same page?

19 A We're finally on the same page.

20 Q Executive summary, do you see that?

21 A Yes.

22 Q There's a discussion as to the Lawson solution overview?

23 A Yes.

24 Q And there are a number of applications that they are going
25 to be addressing; is that right?

1 A That's right.

2 Q And some of these don't have relevance to this case -- is
3 that right, Dr. Weaver -- like, for example, general ledger and
4 accounts payable and accounts receivable, et cetera?

5 A Right. That's not what we're concerned about.

6 Q And you do recall this morning we were discussing that
7 this Lawson system foundation can support a number of Lawson
8 business solution modules; is that right?

9 A Correct.

10 Q Which modules should we focus on here in this response to
11 proposal which is Plaintiff's Exhibit Number 170?

12 A There are six here that are of interest to us: The
13 inventory control, purchase order, the requisition system, EDI,
14 requisition self service, and procurement Punchout.

15 Q This is a proposal to offer all of those modules that you
16 were referring to before that would provide functionality right
17 up to the Punchout level; is that right?

18 A That's right.

19 Q So this was an offer by Lawson to provide them with this
20 functionality; is that right?

21 A Correct.

22 Q Now, why don't we look at the page that has the barcode
23 36, if you will, which has the Bates label of 883. This is a
24 section entitled master file management. Do you see that?

25 A Yes, I do, section five.

1 Q And, again, we have these headings that are A, B, C, and
2 D. Do you see that?

3 A I do.

4 Q Is there a description of what A entails?

5 A We saw it earlier this morning. That A means that the
6 capability is installed and currently available.

7 Q Does CML Healthcare ask Lawson to provide any explanation
8 for responses under B, C, or D?

9 A Right. If the response is not going to be A, then CML is
10 asking for an explanation of why the response is B, C, or D.

11 Q This is a number of questions here that go on for a number
12 of pages; is that right?

13 A Oh, yes.

14 Q With respect to the capability of this column entitled
15 item master file, there's a requirement number 12. Do you see
16 that?

17 A Yes.

18 Q What's the description that this requester in this case --
19 sorry, it's CML Healthcare. What question are they asking if
20 the system has the capability were they asking Lawson to
21 represent?

22 A So CML is asking, does the system have the ability for
23 expanded item search by vendor, catalog number, partial
24 description, manufacturer code, classification code, vendor
25 name, manufacturer name, and the response is A.

1 Q Does that indicate that they have that capability?

2 A That that capability is available and already installed.

3 Q How did Lawson respond to question number 13, does the
4 system perform automatic and/or manual number assignment?

5 A The same, A.

6 THE COURT: What is that over there on the right?

7 "Or only," what does that mean?

8 THE WITNESS: I don't know.

9 THE COURT: Is that what it says, "or only," or am I
10 reading it wrong?

11 MR. ROBERTSON: That's what it appears to say, Your
12 Honor.

13 Q Let me take you to page 46 of this response. I'm sorry.
14 I probably directed you to the wrong question. This
15 requirement number 13, under purchasing, do you see that? It
16 ends with the Bates label 893?

17 A Okay. 13, question 13. Requirement 13, actually.

18 Q Let me read it for you. Does your system provide
19 automatic electronic notification to requisitioners when there
20 is a backorder or invalid/discontinued items. And what does
21 Lawson represent there?

22 A So the response is A so that that capability is available,
23 and then there's a note just explaining how that functionality
24 is evidenced, and it says, via Lawson's process flow, which we
25 saw the block this morning, or Lawson business intelligence,

1 LBI.

2 MR. ROBERTSON: That's all I have for that document.

3 Thank you, Doctor. I'd like --

4 THE COURT: Why don't we go ahead and take our
5 afternoon break then. All right, ladies and gentlemen, just
6 take your pad with you.

7

8 (Jury out.)

9

10 THE COURT: How much longer with this witness do you
11 think you have, Mr. Robertson?

12 MR. ROBERTSON: Your Honor, I'm more than halfway
13 through my outline, but I still have --

14 THE COURT: I hope so. What does that mean? We've
15 been here almost a day with him. I think he started about four
16 o'clock, quarter of 4:00 yesterday. That's the longest expert
17 witness I've ever had. You're going to have to figure out a
18 way to go ahead and do something else.

19 MR. ROBERTSON: During the break, let me see what I
20 can do, Your Honor, but, of course, we want to make sure we
21 satisfy all the elements that we need to.

22 THE COURT: I agree that you do, but there's an awful
23 lot of repetition in what I've heard so far. You are picking
24 out different -- saying the same thing in some of these
25 purchase orders. Take it to a demonstration and let him

1 demonstrate. I don't understand why we're doing what we're
2 doing right now.

3 MR. ROBERTSON: Let me see what I can do to try to
4 cut this back a bit, Your Honor.

5 THE COURT: Okay.

6 MR. ROBERTSON: But let me be candid. I don't think
7 I'm going to be able to finish today, and I think -- I might be
8 able to finish by the close of today. I'm going to shoot for
9 finishing by close today, but that's where I am. The
10 demonstrations we're going to see, again, we're going to move a
11 little bit faster on.

12 THE COURT: All right. I haven't put on you a clock,
13 but my concern is that -- I think the jury has been paying
14 attention, but you can get to a point with the detail that you
15 lose them, and it's at that point that nobody's interest is
16 served, and that's all I'm interested in. I'm going to be here
17 one way or the other. All right.

18
19 (Recess taken.)

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